

# PCT



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference HL79828/001/JRAMC		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/00144	International filing date (day/month/year) 16.01.2003	Priority date (day/month/year) 17.01.2002	
International Patent Classification (IPC) or both national classification and IPC B60J5/06, B60J5/06			
Applicant ADVANCED TRANSPORT SYSTEMS LIMITED et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  28.07.2003	Date of completion of this report  28.04.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Christensen, J  Telephone No. +49 89 2399-7863  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/00144

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-9 as originally filed

**Claims, Numbers**

1-20 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/GB 03/00144**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-20
	No: Claims	
Inventive step (IS)	Yes: Claims	1-20
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

## **V. Reasoned statement**

Assuming that the defects referring to claims, description and clarity requirements (see items V.4 and V.5) have been removed, the subject-matter of independent claim 1 could be considered as new, involving an inventive step and having industrial applicability in the sense of Article 33(2)(3)(4) PCT.

### **V.1 State of the art**

Document FR 2804380 A (D1), mentioned in the search report, is considered as the closest prior art.

The claimed invention differs from the prior art document D1 essentially in that the rear edge of a swing and slide door (considered with respect to movement towards the open position of the door) executes a movement substantially parallel to the plane of the door aperture. In D1, there is a component in a direction perpendicular to the door aperture in at least part of that movement.

### **V.2 Technical problem**

To provide an alternative swing and slide door, particularly for a vehicle, and specially for a small vehicle.

### **V.3 Solution to the problem**

The stated problem is solved in the invention by a guide means which constrains said rear edge of the door to execute a linear movement within a plane parallel to the door aperture. As that movement comprises no perpendicular component, the rear edge of the door remains in the same plane from the closed to the open position. Therefore, less space is needed to open the door, and a simplified opening mechanism can be provided.

Document D1 discloses a swing and slide door for a vehicle with similar elements as the one in the invention, but including a guide rail for the rear edge of the door (as defined above), which guides that edge first in a direction almost perpendicular to the door aperture, before guiding it in a parallel direction.

Thus, the technical problem is solved by the combination of features in the

**independent claim 1**, which is neither known from nor suggested by the available prior art documents. This claim can thus be considered as new, inventive and industrially applicable according to Article 33(2),(3),(4) PCT.

**Claims 2 to 20**, as dependent on claim 1, would also meet the requirements of Article 33(2),(3),(4) PCT regarding novelty, inventive step and industrial applicability.

#### **V.4 Clarity**

The following remarks should be taken in account when considering the clarity requirements of Article 6 PCT:

In the **independent claim 1** an "axis" is defined, which is "fixed to the structure" and a reference for the "arcuate movement". This axis is later referred to as "the axis of arcuate movement" in the dependent claims 3, 10, 11, 12 and 15.

The dependent **claim 2** describes "an axis fixed to the structure"; and the dependent **claims 6 and 7** refer to "the axis". From that wording it is not clear, whether the axis in claim 2 is the same as the one in claim 1 or not and, if not, to which of the two axis the claims 6 and 7 refer to. It could be assumed that claim 2 defines a **further** axis, and that claims 6 and 7 refer to that further one.

#### **V.5 Other remarks**

**Independent claim 1** is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

The features of the **claims** are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).